

PROB 12C  
Rev 2/03**United States District Court**

for

**Southern District of Ohio****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Samuel Peter Nickolas** Case Number: **1:02CR00143**  
**2903 Feltz Avenue**  
**Cincinnati, Ohio 45211**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Diott,**  
**United States District Judge**

Date of Original Sentence: **April 16, 2003**

Original Offense: **Making a False Statement**

Original Sentence: **6 month(s) prison, 36 month(s) supervised release**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **August 8, 2003**

Assistant U.S. Attorney: **Amul R Thapar, Esq.** Defense Attorney: **W Kelly Johnson, Esq.**

**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons  
☐ To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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#1

New Law Violation:

On September 28, 2004, the defendant applied for a Student's Pilot and Airman Medical Certificate, with the Federal Aviation Administration. The defendant made false statements to a Federal Agency.

On the application, question number 18 asked, "Have you ever in your life been diagnosed with, had, or do you presently have any of the following? Answer yes or no for every condition listed below. In the explanations box below, you may note "previously reported, no change" only if the explanation of the condition was reported on a previous application for an airman medical certificate and there has been no change in your condition".

The defendant answered no to the question regarding any mental disorders of any sort: depression, anxiety, etc. When in fact, the defendant was diagnosed with Bipolar Disorder and Denial in 1998 at Good Samaritan Hospital.

The defendant answered no to the question regarding Admission to a hospital.

He was admitted to Good Samaritan Hospital in Cincinnati, Ohio, on October 3, 1998.

The defendant answered yes to the question regarding History of non traffic conviction(s) (misdemeanors or felonies). However in the explanation box, the defendant was required to name the charge for which he was convicted and the date of conviction. The defendant failed to report his convictions and dates of convictions for the following: Making a False Statement (the offense for which he is on supervision), Impersonation of an Officer, Driving Under Suspension (twice), Disorderly Conduct(three times), Theft, Aggravated Menacing, and Assault(twice).

Question number 19 asked about visits to a health professional within last 3 years. The defendant failed to report that he was treated from June 2002 to December 2002, for chronic pain at the Daugherty Medical Group, Incorporated in Cincinnati, Ohio.

#### U.S. Probation Officer Recommendation:

Due to the defendant being on supervision for Making a False Statement to the FAA and committing a new offense by again Making a False Statement to the FAA, this officer is respectfully recommending that the defendant's supervision be revoked.

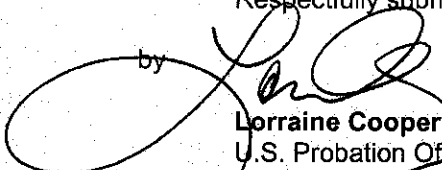
The term of supervision should be

- ☒ Revoked.  
☐ Extended for years, for a total term of years.  
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)  
☐ The conditions of supervision should be modified as follows:

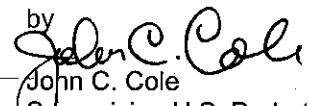
Respectfully submitted,

Approved,

by

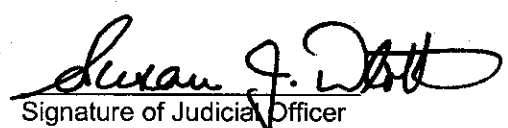
  
**Lorraine Cooper**  
 U.S. Probation Officer  
 Date: December 14, 2004

by

  
**John C. Cole**  
 Supervising U.S. Probation Officer  
 Date: December 14, 2004

#### THE COURT ORDERS:

- ☐ No Action  
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.  
☒ The Issuance of a Summons  
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.  
☐ Other

  
 Signature of Judicial Officer

Dec 15, 2004  
 Date